

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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JAMES ROBERT WEST, JR.,  
#110315

Plaintiff,

v.

BRYAN K. GAVINS, COI,

Defendant.

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2:07-CV-747-WKW

**ORDER**

Plaintiff filed this action on August 22, 2007. On August 27, 2007 the court directed Plaintiff to submit a partial filing fee in accordance with 28 U.S.C. § 1915(b)(1). (*Doc. No. 3.*) Prior to complying with the directive that he submit the filing fee, Plaintiff requested dismissal of this action. (*Doc. No. 4.*) On October 15, 2007 the court adopted the Recommendation of the Magistrate Judge that the request for dismissal be granted. (*Doc. Nos. 6, 7.*) On April 4, 2008, the court granted Plaintiff's request to reconsider its October 15, 2007 order and vacated the order dismissing this action. (*Doc. No. 12.*) In light of the foregoing, it is

ORDERED that on or before **April 28, 2008** Plaintiff comply with the court's August 27, 2007 order that he submit a partial filing fee in the amount of \$1.50. Plaintiff is cautioned that his failure to submit the partial filing as directed will result in a Recommendation that this case be dismissed.

The Clerk is DIRECTED to furnish a copy of this Order and a copy of Document Number 3 to the inmate account clerk at the Easterling Correctional Facility.

Done, this 7<sup>th</sup> day of April 2008.

/s/ Wallace Capel, Jr.  
WALLACE CAPEL, JR.  
UNITED STATES MAGISTRATE JUDGE